

RANDALL S. LUSKEY (SBN: 240915)
rluskey@paulweiss.com

**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**

535 Mission Street, 25th Floor
San Francisco, CA 94105
Telephone: (628) 432-5100
Facsimile: (628) 232-3101

ROBERT ATKINS (*Pro Hac Vice* admitted)
ratkins@paulweiss.com

JACQUELINE P. RUBIN (*Pro Hac Vice* admitted)
jrubin@paulweiss.com

CAITLIN E. GRUSAUSKAS (*Pro Hac Vice* admitted)
cgrusauskas@paulweiss.com

ANDREA M. KELLER (*Pro Hac Vice* admitted)
akeller@paulweiss.com

**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**

1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Facsimile: (212) 757-3990

Attorneys for Defendants
UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC

[Additional Counsel Listed on Following Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB (LJC)

**DECLARATION OF KYLE SMITH
IN SUPPORT OF DEFENDANTS' PORTION
OF THE JOINT LETTER REGARDING
CUTTER PLAINTIFFS' COMPLIANCE WITH
DISCOVERY ORDERS**

This Document Relates to:

*Jane Roe CL 11 v. Uber Technologies, Inc.,
et al.*, No. 3:24-cv-04672-CRB

*Jane Roe CL 13 v. Uber Technologies, Inc.,
et al.*, No. 3:24-cv-04677-CRB

Judge: Hon. Lisa J. Cisneros

Courtroom: G – 15th Floor

1 *Jane Roe CL 16 v. Uber Technologies, Inc.,*
2 *et al.*, No. 3:24-cv-04837-CRB

3 *Jane Roe CL 17 v. Uber Technologies, Inc.,*
4 *et al.*, No. 3:24-cv-04915-CRB

5 *Jane Roe CL 21 v. Uber Technologies, Inc.,*
6 *et al.*, No. 3:24-cv-05525-CRB

7 *Jane Roe CL 24 v. Uber Technologies, Inc.,*
8 *et al.*, No. 3:24-cv-05536-CRB

9 *Jane Roe CL 33 v. Uber Technologies, Inc.,*
10 *et al.*, No. 3:24-cv-05691-CRB

11 *Jane Roe CL 34 v. Uber Technologies, Inc.,*
12 *et al.*, No. 3:24-cv-05696-CRB

13 *Jane Roe CL 36 v. Uber Technologies, Inc.,*
14 *et al.*, No. 3:24-cv-05720-CRB

15 *Jane Roe CL 37 v. Uber Technologies, Inc.,*
16 *et al.*, No. 3:24-cv-05728-CRB

17 *Jane Roe CL 38 v. Uber Technologies, Inc.,*
18 *et al.*, No. 3:24-cv-05729-CRB

19 *Jane Roe CL 39 v. Uber Technologies, Inc.,*
20 *et al.*, No. 3:24-cv-05732-CRB

21 *Jane Roe CL 40 v. Uber Technologies, Inc.,*
22 *et al.*, No. 3:24-cv-05734-CRB

23 *Jane Roe CL 41 v. Uber Technologies, Inc.,*
24 *et al.*, No. 3:24-cv-05736-CRB

25 *Jane Roe CL 43 v. Uber Technologies, Inc.,*
26 *et al.*, No. 3:24-cv-05741-CRB

27 *Jane Roe CL 44 v. Uber Technologies, Inc.,*
28 *et al.*, No. 3:24-cv-05744-CRB

Jane Roe CL 48 v. Uber Technologies, Inc.,
et al., No. 3:24-cv-05810-CRB

Jane Roe CL 53 v. Uber Technologies, Inc.,
et al., No. 3:24-cv-05831-CRB

1 *Jane Roe CL 54 v. Uber Technologies, Inc.,*
2 *et al.*, No. 3:24-cv-05832-CRB

3 *Jane Roe CL 56 v. Uber Technologies, Inc.,*
4 *et al.*, No. 3:24-cv-05837-CRB

5 *Jane Roe CL 65 v. Uber Technologies, Inc.,*
6 *et al.*, No. 3:24-cv-06189-CRB

7 *Jane Roe CL 67 v. Uber Technologies, Inc.,*
8 *et al.*, No. 3:24-cv-06191-CRB

9 *Jane Roe CL 69 v. Uber Technologies, Inc.,*
10 *et al.*, No. 3:24-cv-06862-CRB

11 *Jane Roe CL 70 v. Uber Technologies, Inc.,*
12 *et al.*, No. 3:24-cv-06863-CRB

13 *Jane Roe CL 71 v. Uber Technologies, Inc.,*
14 *et al.*, No. 3:24-cv-06864-CRB

15 *Jane Roe CL 73 v. Uber Technologies, Inc.,*
16 *et al.*, No. 3:24-cv-07030-CRB

17 *Jane Roe CL 74 v. Uber Technologies, Inc.,*
18 *et al.*, No. 3:24-cv-07152-CRB

19 *Jane Roe CL 76 v. Uber Technologies, Inc.,*
20 *et al.*, No. 3:24-cv-07569-CRB

21 *Jane Roe CL 77 v. Uber Technologies, Inc.,*
22 *et al.*, No. 3:24-cv-07571-CRB

23 *Jane Roe CL 78 v. Uber Technologies, Inc.,*
24 *et al.*, No. 3:24-cv-07584-CRB

25 *Jane Roe CL 79 v. Uber Technologies, Inc.,*
26 *et al.*, No. 3:24-cv-07587-CRB

1 KYLE N. SMITH (*Pro Hac Vice* admitted)
ksmith@paulweiss.com
2 JESSICA E. PHILLIPS (*Pro Hac Vice* admitted)
jphillips@paulweiss.com
3 **PAUL, WEISS, RIFKIND, WHARTON**
& GARRISON LLP
4 2001 K Street, NW
Washington DC, 20006
5 Telephone: (202) 223-7300
Facsimile: (202) 223-7420

6 *Attorneys for Defendants*
7 UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC
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DECLARATION OF KYLE SMITH

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully submit this declaration in support of Defendants Uber Technologies, Inc.'s, Rasier, LLC's, and Rasier-CA, LLC's (collectively, "Uber's") portion of the joint letter brief regarding certain Cutter Law P.C. ("Cutter") Plaintiffs' compliance with Pretrial Order No. 5 and Pretrial Order No. 10.

2. I am a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, representing Uber in this MDL as well as in Judicial Council Coordination Proceeding No. 5188, *In Re: Uber Rideshare Cases*, Case No. CJC-21-005188 (the "JCCP"). I am a member in good standing of the Bar of the District of Columbia Court of Appeals and the Bar of the State of New York Court of Appeals, Third Department. I make this declaration based upon matters within my own personal knowledge. If called as a witness, I could and would competently testify to the matters set forth herein.

3. Attached to this declaration as **Exhibit A** is a table identifying 14 Plaintiffs represented by Cutter who have failed to submit the information Pretrial Order No. 5 requires.

4. Attached to this declaration as **Exhibit B** is a table identifying 31 Plaintiffs represented by Cutter who have failed to submit Plaintiff Fact Sheets.

5. Attached to this declaration as **Exhibit C** is a true and correct copy of a letter Uber sent Cutter on December 24, 2024 identifying Plaintiffs represented by Cutter with overdue discovery. The letter identifies the 14 Plaintiffs listed in Exhibit A as Plaintiffs who had failed to submit timely Pretrial Order No. 5 information. The letter identifies the 31 Plaintiffs listed in Exhibit B as Plaintiffs who had failed to provide timely Plaintiff Fact Sheets. The letter also lists other Plaintiffs who are not at issue in this dispute.

6. The parties met and conferred on December 31, 2024 to discuss the cases listed in Exhibits A and B as well as other cases not at issue in this dispute. Following this meet and confer, the parties were unable to resolve the dispute set out in the joint letter.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on January 13, 2025 in Washington, D.C.

4 /s/ Kyle Smith

5 Kyle Smith
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